

RESPONSE TO THE NOTICE OF NON-COMPLIANT AMENDMENT

The Notice of Non-Compliant Amendment dated August 21, 2008 indicated that the Amendment dated July 18, 2008 was non-compliant because applicants allegedly did not elect one of the inventions identified in Group I through Group VIII. The Patent Office contends that the Amendment was non-responsive.

Without acquiescing to the contentions of the Patent Office, applicants respectfully submit that a response to the Restriction/Election Requirement, including an election of one of the inventions identified in Group I through Group VIII, is included herein below.

Applicants therefore respectfully submit that the Notice of Non-Compliant Amendment has been addressed.

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Group</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-4	Drawn to method for the identification of a nucleic acid molecule differentially expressed in an <i>in vitro</i> model;
II	5 and 6	Drawn to a method for the identification of a nucleic acid molecule up-regulated in an <i>in vitro</i> model;
III	7, 8, 10-17, 20, and 112-115	Drawn to a nucleic acid molecule, a gene, a short interfering oligonucleotide, and a catalytic nucleic acid;
IV	9	Drawn to polypeptide;
V	18 and 19	Drawn to use of a nucleic acid to identify and/or obtain full length human genes involved in an angiogenic process;

VI	28	Drawn to an expression vector, a transformed cell, and a method of preparing a polypeptide;
VII	116	Drawn to use of a nucleic acid in the diagnosis or prognosis of an angiogenesis related disorder; and
VIII	128-131	Drawn to a genetically modified non human animal.

#### APPLICANTS' ELECTION

Applicants hereby elect the invention of **Group III, claims 7, 8, 10-17, 20, and 112-115**, drawn to a nucleic acid molecule, a gene, a short interfering oligonucleotide, and a catalytic nucleic acid.

Additionally, applicants elect the sequence of the **BNO802 gene** as set forth in Table 1.

#### REMARKS

Claims 1-20, 28-32, 112-116 and 128-131 are now pending in the subject U.S. patent application. Claims 1-20, 28-32, 112-116 and 128-131 as filed have been subjected to a Restriction/Election Requirement.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group III, claims 7, 8, 10-17, 20, and 112-115, drawn to a nucleic acid molecule, a gene, a short interfering oligonucleotide, and a catalytic nucleic acid. Additionally, applicants have elected the sequence of the BNO802 gene as set forth in Table 1.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter. Applicants further respectfully request consideration of additional species upon indication of the allowability of a generic claim.

Serial No.: 10/550,533

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

DEPOSIT ACCOUNT

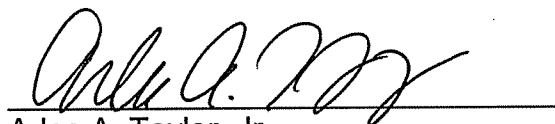
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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Date: 07/31/2009

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